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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,728	08/05/2003	Olaf Muller	7100-X03-024	6665

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EXAMINER

MCANULTY, TIMOTHY P

ART UNIT PAPER NUMBER

3682

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,728

Applicant(s)

MULLER, OLAF

Examiner

Timothy P McAnulty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 25-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/5/2003
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group II in the reply filed on 14 June 2004 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Although applicant asserts that claim 25 reads on the elected embodiment, claim 25 requires the limitation of a "load removal device" which is not shown in the elected embodiment. See also claims 26 and 27 which were indicated as being not readable on the elected embodiment which only include the limitation of a "load removal device."

3. Accordingly, claims 25-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected embodiment, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 14 June 2004.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 11 and 14-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "slight" in claim 11 is a relative term which renders the claim indefinite. The term "slight" is not defined by the claim, the specification does not provide a standard for

ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The scope of the curvature is unclear. The limitation of claim 14, which requires the engagement mechanism to be above and “around” the steering column, renders the claim indefinite. It is unclear as to how the engagement mechanism can be against *only one side* of the steering column (as required in claim 12) and *around* the steering column (as required in claim 14).

The recitation of “the engagement devices” in line 2 of claim 16 lacks antecedent basis.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3,5,8,9,22-24, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoblingre et al.

Hoblingre et al. discloses in figures 5-7, a steering column arrangement comprising a length adjustment having a slot guidance 18; a height adjustment having a swiveling lever 14b and a stabilization component 14a; and a clamping device.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 4 and 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoblingre et al. in view of EP 0 865 980 A1.

Regarding claim 4, Hoblingre et al. discloses the basic apparatus as set forth above but does not disclose a guide slot in said stabilization component. However, EP 0 865 980 A1 teaches in figure 1, a steering column comprising, inter alia, an adjustment mechanism comprising a stabilization component 10 having a guide slot therein. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Hoblingre et al. in view of the teachings of EP 0 865 980 A1 to provide a slot in said stabilization component so as to provide further adjustment ability of said steering column.

Regarding claim 12, EP 0 865 980 A1 further teaches in figure 3, longitudinal slot guidance on two sides of said steering column. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Hoblingre et al. in view of the teachings of EP 0 865 980 A1 to provide slot guidance on both sides of said steering column so as to provide axial stability to said steering column improving the overall operation of the steering column.

Regarding claims 13 and 20, Hoblingre et al. further discloses the clamping device having an engagement part which meets the broad limitations of both claim 13 and claim 20. Claim 13 merely requires that the engagement device has a middle section applied against the contour of the steering column and that the ends are juxtaposed which (as shown in Hoblingre et al. figure 5) the engagement device is applied against the steering column and has ends juxtaposed. Claim 20 merely requires that the engagement device is a bolt containing "bendings." The bolt inherently has bendings in the broadest sense that no bolt is perfectly straight.

Regarding claims 14-19, EP 0 865 980 A1 further teaches in figure 1, the adjustment mechanism located above the steering column. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Hoblingre et al. in view of the teachings of EP 0 865 980 A1 to provide the adjustment mechanism above the steering column so as to increase the space under the steering column providing more space for a user's legs to operate vehicle pedals and for comfort.

Regarding claims 16-18, the reference combination discloses the basic apparatus except for claimed swiveling ranges. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide said steering column to swivel to the claimed ranges, since it has been that where the general conditions of a claim are disclosed in the prior art, discovering the optimum range or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Furthermore, the amount of swiveling is merely a matter of engineering design choice and the level of skill of one of ordinary skill in the art would produce a similar optimization dependent upon the particular operation conditions, especially since varying adjustment is a direct and obvious design parameter for adjustable steering columns and there is no evidence to the contrary, e.g., unexpected results.

10. Claims 6,7,10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoblingre et al. in view of Lutz.

Hoblingre et al. discloses the basic apparatus as set forth above but does not disclose said clamping device having a plurality of interleaved clamping plates. However, Lutz teaches in figures 1-3, a steering column comprising, inter alia, an adjustment mechanism having a plurality of clamping plates 17 interleaved with adjustment levers. Therefore, it would have been obvious

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to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Hoblingre et al. in view of the teachings of Lutz to provide said clamping device with interleaved clamping plates so as to provide increased frictional engagement, by way of a plurality of frictional engagements between each of the plurality of clamping plates, of the clamping device during clamping over merely a single frictional engagement thus improving the clamping ability of the clamping device.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to show the general state of the art regarding adjustable steering columns:

US Patent No. 4,656,888 to Schmitz

US Patent No. 5,829,310 to Depaolis

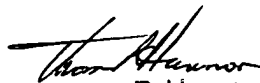
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tpm 


Thomas R. Hannon
Primary Examiner